

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ECF CASE

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

NOTICE OF MOTION

- VS -

Case No. 15-cv-701-FPG/MJR

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS
AND EDIBLES, RED DICE HOLDINGS, LLC,
and DIXIE BOTANICALS,

Defendants.

MOTION MADE BY : Defendants, MEDICAL MARIJUANA, INC., and RED DICE HOLDINGS, LLC, by and through their attorneys, Mura & Storm, PLLC, 930 Rand Building, 14 Lafayette Square, Buffalo, New York 14203.

DATE, TIME AND PLACE OF HEARING : Date and time of hearing to be determined by the Hon. Frank P. Geraci, with place of hearing to be United States District Court, Western District of New York, 100 State Street, Rochester, New York 14614.

SUPPORTING PAPERS : This notice of motion; Declaration of Daniel S. Gvertz, Esq. dated November 16, 2018, with attached exhibits A through D; and movants' Memorandum of Law dated November 16, 2018.

RELIEF DEMANDED AND GROUNDS THEREFORE : An order of this Court pursuant to Fed. R. Civ. P. 56(c)(2) striking, in whole or in part, certain documents and materials submitted in support of plaintiffs' motion for summary judgment; and such other, further and/or different relief favoring movants as is just and proper.

ANSWERING PAPERS : Pursuant to W.D.N.Y. L.R. 7(b)(2)(B), absent different deadlines set by the Court, plaintiff shall have fourteen (14) days from November 16,

2018 to file and serve responding papers to this motion. Movants intend to file and serve reply papers in further support of this motion, and absent deadlines set by the Court, movants shall have seven (7) days after service of plaintiffs' responding papers to file and serve reply papers in further support of this motion.

ORAL ARGUMENT : Requested, but to be determined and scheduled by the Court.

Dated: Buffalo, New York
November 16, 2018

/s/ Daniel S. Gvertz
Daniel S. Gvertz, Esq.

MURA & STORM, PLLC
Attorneys for Defendants Medical Marijuana, Inc. and Red Dice Holdings, LLC
930 Rand Building
14 Lafayette Square
Buffalo, New York 14203
(716) 855-2800
daniel.gvertz@muralaw.com

cc: Jeffrey Benjamin, Esq.
Kupillas Unger & Benjamin LLP
Attorneys for Plaintiffs
1 Linden Place
Suite 410-A
Great Neck, NY 11021
212-655-9536
jbenjamin@nyfraudlaw.com

Jean-Claude Mazzola, Esq.
Hanoch Sheps, Esq.
Mazzola Lindstrom LLP
Attorneys for Defendant
Dixie Elixirs and Edibles
733 Third Avenue
15th Floor
New York, NY 10017
646-250-6666
jeanclaude@mazzolalindstrom.com
hanoch@mazzolalindstrom.com